

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY MAY 3, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2304

Introduced by Assembly Member Huffman
(Coauthors: Assembly Members Eng and Ruskin)

February 19, 2010

~~An act to amend Section 65352.5 of the Government Code, and to amend Sections 10752, 10753.7, and 10753.8 of the Water Code, An act to amend Sections 10752, 10753.5, and 10753.7 of the Water Code, relating to groundwater.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2304, as amended, Huffman. Groundwater management plans: components.

~~(1) Existing~~

Existing law authorizes specified local agencies that provide water service to adopt and implement a groundwater management plan. Existing law requires a local agency seeking that elects to develop a groundwater management plan to hold a hearing prior to adopting a resolution of intention to draft a plan and, after the plan is prepared, to hold a second hearing to determine whether to adopt the plan. Existing law requires the local agency to publish a specified notice before each of these hearings.

This bill would require the local agency, upon written request, to provide specified information relating to the proposed groundwater management plan to an interested person. The bill would require the

local agency to provide each of those interested persons with a specified notice at least 30 days prior to the commencement of the second hearing to determine whether to adopt the plan.

Existing law requires a local agency seeking specified state funds to include in a groundwater management plan that is adopted pursuant to that authority various components, including components relating to the monitoring and management of groundwater levels within the groundwater basin. Existing law authorizes a groundwater management plan to additionally include other components relating to, among other things, identification and management of wellhead protection areas and recharge areas, replenishment of groundwater, and review of land use plans and coordination with land use planning agencies.

This bill would add coordination with local planning agencies to develop and implement land use strategies that protect prime recharge areas to the list of authorized components of a groundwater management plan.

The

This bill also would add to the list of components that are required to be included in a groundwater management plan for the specified funding purposes, an identification and map of prime a map identifying the recharge areas, as defined, for the groundwater basin and identification of potential threats to the capability of those areas to replenish groundwater.

(2) Existing law establishes in each city and county a planning agency and imposes various requirements on cities and counties with respect to the preparation, adoption, and amendment of general plans and elements of general plans. Existing law requires a public water system, as defined, with 3,000 or more service connections, upon receiving notification of a city's or county's proposed action to adopt or substantially amend a general plan, to provide the local planning agency with specified information pertaining to existing and future water supplies.

This bill would additionally require a public water system that is subject to those requirements to provide a description of prime recharge areas and potential threats to those recharge areas identified in groundwater management plans or programs.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 65352.5 of the Government Code is~~
2 ~~amended to read:~~

3 ~~65352.5. (a) The Legislature finds and declares that close~~
4 ~~coordination and consultation between California's water supply~~
5 ~~agencies and California's land use approval agencies is vital to~~
6 ~~ensure that proper water supply planning occurs in order to~~
7 ~~accommodate projects that will result in increased demands on~~
8 ~~water supplies.~~

9 ~~(b) It is, therefore, the intent of the Legislature to provide a~~
10 ~~standardized process for determining the adequacy of existing and~~
11 ~~planned future water supplies to meet existing and planned future~~
12 ~~demands on these water supplies.~~

13 ~~(c) Upon receiving, pursuant to Section 65352, notification of~~
14 ~~a city's or a county's proposed action to adopt or substantially~~
15 ~~amend a general plan, a public water system, as defined in Section~~
16 ~~116275 of the Health and Safety Code, with 3,000 or more service~~
17 ~~connections, shall provide the planning agency with the following~~
18 ~~information, as is appropriate and relevant:~~

19 ~~(1) The current version of its urban water management plan,~~
20 ~~adopted pursuant to Part 2.6 (commencing with Section 10610)~~
21 ~~of Division 6 of the Water Code.~~

22 ~~(2) The current version of its capital improvement program or~~
23 ~~plan, as reported pursuant to Section 31144.73 of the Water Code.~~

24 ~~(3) A description of the source or sources of the total water~~
25 ~~supply currently available to the water supplier by water right or~~
26 ~~contract, taking into account historical data concerning wet, normal,~~
27 ~~and dry runoff years.~~

28 ~~(4) A description of the quantity of surface water that was~~
29 ~~purveyed by the water supplier in each of the previous five years.~~

30 ~~(5) A description of the quantity of groundwater that was~~
31 ~~purveyed by the water supplier in each of the previous five years.~~

32 ~~(6) A description of all proposed additional sources of water~~
33 ~~supplies for the water supplier, including the estimated dates by~~
34 ~~which these additional sources should be available and the~~
35 ~~quantities of additional water supplies that are being proposed.~~

36 ~~(7) A description of the total number of customers currently~~
37 ~~served by the water supplier, as identified by the following~~
38 ~~categories and by the amount of water served to each category:~~

1 ~~(A) Agricultural users.~~

2 ~~(B) Commercial users.~~

3 ~~(C) Industrial users.~~

4 ~~(D) Residential users.~~

5 ~~(8) Quantification of the expected reduction in total water~~
6 ~~demand, identified by each customer category set forth in paragraph~~
7 ~~(7), associated with future implementation of water use reduction~~
8 ~~measures identified in the water supplier's urban water~~
9 ~~management plan.~~

10 ~~(9) A description of prime recharge areas, as defined in Section~~
11 ~~10752 of the Water Code, and potential threats to those areas that~~
12 ~~have been identified in a groundwater management plan adopted~~
13 ~~by a local agency pursuant to Section 10753.7 of the Water Code~~
14 ~~or any other specific authorization for groundwater management;~~
15 ~~or identified by a watermaster pursuant to a court order, judgment,~~
16 ~~or decree.~~

17 ~~(10) Any additional information that is relevant to determining~~
18 ~~the adequacy of existing and planned future water supplies to meet~~
19 ~~existing and planned future demands on these water supplies.~~

20 ~~SEC. 2.~~

21 ~~SECTION 1.~~ Section 10752 of the Water Code is amended to
22 read:

23 10752. Unless the context otherwise requires, the following
24 definitions govern the construction of this part:

25 (a) "Groundwater" means all water beneath the surface of the
26 earth within the zone below the water table in which the soil is
27 completely saturated with water, but does not include water which
28 flows in known and definite channels.

29 (b) "Groundwater basin" means any basin *or subbasin* identified
30 in the department's Bulletin No. 118, dated September 1975, and
31 any amendments to that bulletin, but does not include a basin in
32 which the average well yield, excluding domestic wells that supply
33 water to a single-unit dwelling, is less than 100 gallons per minute.

34 (c) "Groundwater extraction facility" means a device or method
35 for the extraction of groundwater within a groundwater basin.

36 (d) "Groundwater management plan" or "plan" means a
37 document that describes the activities intended to be included in
38 a groundwater management program.

39 (e) "Groundwater management program" or "program" means
40 a coordinated and ongoing activity undertaken for the benefit of

1 a groundwater basin, or a portion of a groundwater basin, pursuant
2 to a groundwater management plan adopted pursuant to this part.

3 (f) “Groundwater recharge” means the augmentation of
4 groundwater, by natural or artificial means, with surface water or
5 recycled water.

6 (g) “Local agency” means a local public agency that provides
7 water service to all or a portion of its service area, and includes a
8 joint powers authority formed by local public agencies that provide
9 water service.

10 ~~(h) “Prime recharge area” means an area in which the surface~~
11 ~~topography, subsurface geologic composition and structures, and~~
12 ~~rates of water infiltration render the area a principal contributor to~~
13 ~~the replenishment of the groundwater basin, either under natural~~
14 ~~conditions, artificially augmented groundwater recharge, or both.~~

15 ~~(i)~~

16 (h) “Recharge area” means the area that supplies water to an
17 aquifer in a groundwater basin and includes multiple wellhead
18 protection areas.

19 ~~(j)~~

20 (i) “Watermaster” means a watermaster appointed by a court
21 or pursuant to other provisions of law.

22 ~~(k)~~

23 (j) “Wellhead protection area” means the surface and subsurface
24 area surrounding a water well or well field that supplies a public
25 water system through which contaminants are reasonably likely
26 to migrate toward the water well or well field.

27 *SEC. 2. Section 10753.5 of the Water Code is amended to read:*

28 10753.5. (a) After a groundwater management plan is prepared,
29 the local agency shall hold a second hearing to determine whether
30 to adopt the plan. Notice of the hearing shall be given pursuant to
31 Section 6066 of the Government Code. The notice shall include a
32 summary of the plan and shall state that copies of the plan may be
33 obtained for the cost of reproduction at the office of the local
34 agency.

35 (b) At the second hearing, the local agency shall consider
36 protests to the adoption of the plan. At any time prior to the
37 conclusion of the second hearing, any landowner within the local
38 agency may file a written protest or withdraw a protest previously
39 filed.

1 (c) (1) Upon receipt of a written request prior to the
2 commencement of the second hearing, the local agency shall
3 provide an interested person with information about the proposed
4 groundwater management plan and maps identifying recharge
5 areas that are prepared pursuant to this part.

6 (2) At least 30 days prior to the commencement of the second
7 hearing, the local agency shall provide notice of the date, time,
8 and place of the second hearing, either by mail or electronically,
9 to each interested person who requests information pursuant to
10 paragraph (1) prior to that date.

11 SEC. 3. Section 10753.7 of the Water Code is amended to read:

12 10753.7. (a) For the purposes of qualifying as a groundwater
13 management plan under this section, a plan shall contain the
14 components that are set forth in this section. In addition to the
15 requirements of a specific funding program, a local agency seeking
16 state funds for the construction of groundwater projects or
17 groundwater quality projects, excluding programs that are funded
18 under Part 2.78 (commencing with Section 10795), shall do all of
19 the following:

20 (1) Prepare and implement a groundwater management plan
21 that includes basin management objectives for the groundwater
22 basin that is subject to the plan. The plan shall include components
23 relating to the monitoring and management of groundwater levels
24 within the groundwater basin, groundwater quality degradation,
25 inelastic land surface subsidence, and changes in surface flow and
26 surface water quality that directly affect groundwater levels or
27 quality or are caused by groundwater pumping in the basin.

28 (2) For purposes of implementing paragraph (1), the local agency
29 shall prepare a plan to involve other agencies that enables the local
30 agency to work cooperatively with other public entities whose
31 service area or boundary overlies the groundwater basin.

32 (3) For purposes of implementing paragraph (1), the local agency
33 shall prepare a map that details the area of the groundwater basin,
34 as defined in the department's Bulletin No. 118, and the area of
35 the local agency, that will be subject to the plan, as well as the
36 boundaries of other local agencies that overlie the basin in which
37 the agency is developing a groundwater management plan.

38 (4) (A) For purposes of implementing paragraph (1), the
39 groundwater management plan shall include ~~an identification and~~
40 ~~map of the prime recharge areas for the groundwater basin and~~

1 identification of any potential threats to the capability of the prime
2 recharge areas to continue to replenish groundwater. *a map*
3 *identifying the recharge areas for the groundwater basin.*

4 (B) The local agency shall provide the ~~information~~ map required
5 pursuant to subparagraph (A) to the appropriate local planning
6 agencies *after adoption of the groundwater management plan.*

7 ~~(C) For purposes of this paragraph, “map of the prime recharge~~
8 ~~areas” means a surface map of prime recharge areas that identifies~~
9 ~~topography, surface water features, vegetation, and overlying land~~
10 ~~uses.~~

11 *(C) For purposes of this paragraph, “map identifying the*
12 *recharge areas” means a map that identifies, or maps that identify,*
13 *the current recharge areas that substantially contribute to the*
14 *replenishment of the groundwater basin. The map shall include a*
15 *description of how the recharge areas substantially contribute to*
16 *the replenishment of the groundwater basin.*

17 (5) The local agency shall adopt monitoring protocols that are
18 designed to detect changes in groundwater levels, groundwater
19 quality, inelastic surface subsidence for basins for which
20 subsidence has been identified as a potential problem, and flow
21 and quality of surface water that directly affect groundwater levels
22 or quality or are caused by groundwater pumping in the basin. The
23 monitoring protocols shall be designed to generate information
24 that promotes efficient and effective groundwater management.

25 (6) Local agencies that are located in areas outside the
26 groundwater basins delineated on the latest edition of the
27 department’s groundwater basin and subbasin map shall prepare
28 groundwater management plans incorporating the components in
29 this subdivision, and shall use geologic and hydrologic principles
30 appropriate to those areas.

31 ~~(7) The local agency shall update the groundwater management~~
32 ~~plan required by this subdivision at least once every five years on~~
33 ~~or before December 31, in years ending in zero and five.~~

34 (b) (1) (A) A local agency may receive state funds for the
35 construction of groundwater projects or for other projects that
36 directly affect groundwater levels or quality if it prepares and
37 implements, participates in, or consents to be subject to, a
38 groundwater management plan, a basinwide management plan, or
39 other integrated regional water management program or plan that
40 meets, or is in the process of meeting, the requirements of

subdivision (a). A local agency with an existing groundwater management plan that meets the requirements of subdivision (a), or a local agency that completes an upgrade of its plan to meet the requirements of subdivision (a) within one year of applying for funds, shall be given priority consideration for state funds administered by the department over local agencies that are in the process of developing a groundwater management plan. The department shall withhold funds from the project until the upgrade of the groundwater management plan is complete.

(B) Notwithstanding subparagraph (A), a local agency that manages groundwater under any other provision of existing law that meets the requirements of subdivision (a), or that completes an upgrade of its plan to meet the requirements of subdivision (a) within one year of applying for funding, shall be eligible for funding administered by the department. The department shall withhold funds from a project until the upgrade of the groundwater management plan is complete.

(C) Notwithstanding subparagraph (A), a local agency that conforms to the requirements of an adjudication of water rights in the groundwater basin is in compliance with subdivision (a). For purposes of this subparagraph, an “adjudication” includes an adjudication under Section 2101, an administrative adjudication, and an adjudication in state or federal court.

(D) Subparagraphs (A) and (B) do not apply to proposals for funding under Part 2.78 (commencing with Section 10795), or to funds authorized or appropriated prior to September 1, 2002.

(E) A local agency may request state funds to map groundwater recharge areas pursuant to paragraph (4) of subdivision (a) to the extent that the request for state funds is consistent with eligibility requirements that are applicable to the use of the requested funds.

(2) Upon the adoption of a groundwater management plan in accordance with this part, the local agency shall submit a copy of the plan to the department, in an electronic format, if practicable, approved by the department. The department shall make available to the public copies of the plan received pursuant to this part.

~~SEC. 4. Section 10753.8 of the Water Code is amended to read:~~
~~10753.8. A groundwater management plan may include~~
~~components relating to all of the following:~~

~~(a) The control of saline water intrusion.~~

- 1 ~~(b) Identification and management of wellhead protection areas~~
- 2 ~~and recharge areas.~~
- 3 ~~(c) Regulation of the migration of contaminated groundwater.~~
- 4 ~~(d) The administration of a well abandonment and well~~
- 5 ~~destruction program.~~
- 6 ~~(e) Mitigation of conditions of overdraft.~~
- 7 ~~(f) Replenishment of groundwater extracted by water producers.~~
- 8 ~~(g) Monitoring of groundwater levels and storage.~~
- 9 ~~(h) Facilitating conjunctive use operations.~~
- 10 ~~(i) Identification of well construction policies.~~
- 11 ~~(j) The construction and operation by the local agency of~~
- 12 ~~groundwater contamination cleanup, recharge, storage,~~
- 13 ~~conservation, water recycling, and extraction projects.~~
- 14 ~~(k) The development of relationships with state and federal~~
- 15 ~~regulatory agencies.~~
- 16 ~~(l) The review of land use plans and coordination with land use~~
- 17 ~~planning agencies to assess activities that create a reasonable risk~~
- 18 ~~of groundwater contamination.~~
- 19 ~~(m) Coordination with local planning agencies to develop and~~
- 20 ~~implement land use strategies that protect prime recharge areas.~~